

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROY DEN HOLLENDER, on behalf
of himself and all others
similarly situated, : :

Plaintiff, : 10 Civ. 9277 (LTS) (HBP)

-against- : ORDER

MEMBERS OF THE BOARD OF REGENTS
OF THE UNIVERSITY OF THE STATE
OF NEW YORK, in their official
capacities, et al., : :

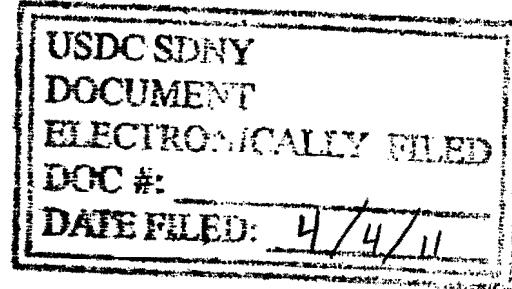
Defendants. : :

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PITMAN, United States Magistrate Judge:

The United States Department of Education and the
Secretary of Education (the "Federal Defendants") have filed a
letter motion seeking the dismissal of the complaint. Although I
am ordinarily loathe to entertain dispositive motions that are
made by letter, see generally Peart v. City of New York, 992 F.2d
458, 463 (2d Cir. 1993), I am willing resolve the motion on the
basis of the submissions currently before me if plaintiff agrees
that a formal motion is not necessary.

Accordingly, no later than April 15, 2011, plaintiff is
to inform my chambers in writing whether he consents to my
considering the Federal Defendants' motion to dismiss on the



basis of the letter briefs alone. If plaintiff fails to respond by April 15, 2011, I shall deem his silence to constitute consent.

Dated: New York, New York
April 4, 2011

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

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